

THE London Journal

SATURDAY December 30. 1721.

To the Author of the LONDON JOURNAL.

SIR,

I intend to entertain my Readers with Dissertations upon Liberty, in some of my succeeding Letters, and shall as a Preface to that Design, endeavour to prove in this, that Liberty is the unalienable Right of all Mankind.

All Governments, under whatsoever Form they are administered, ought to be administered for the Good of the Society; and when

they are otherwise administered, they cease to be Government, and become Usurpation. This being the End of all Government, even the most Despotic have this Limitation to their Authority: And, in this respect, the only Difference between the most absolute Princes and limited Magistrates is, that in free Governments there are Checks and Restraints appointed and express'd in the Constitution itself; and in despotic Governments, the People submit themselves to the Prudence and Discretion of the Prince alone: But there is still this tacit Condition annex'd to his Power, that he must act by the unwritten Laws of Discretion and Prudence, and employ it for the sole Interest of the People, who give it to him, or suffer him to enjoy it, which they ever do for their own sakes.

Even in the most free Governments, single Men are often trusted with discretionary Power: But they must answer for that Discretion to those that trust them. Generals of Armies and Admirals of Fleets have often unlimited Commissions, and yet are they not answerable for the prudent Execution of those Commissions? The Council of Ten in Venice, have absolute Power over the Liberty and Life of every Man in the State: But if they should make use of that Power to slaughter, abolish or enslave the Senate; and, like the Decemviri of Rome, to set up themselves; would it not be lawful for those who gave them that Authority for other Ends, to put those Ten unlimited Traitors to Death, any way they could? The Crown of England has been for the most part entrusted with the sole Disposal of the Money given for the Civil List, and often with the Application of great Sums raised for other publick Uses; and yet, if the Lord Treasurer had applied this Money to the Dishonour of the King, and Ruin of the People (though by the private Direction of the Crown itself) will any Man say that he ought not to have compensated for his Crime by the Loss of his Head and his Estate?

I have said thus much to shew, that no Government can be absolute in the sense, or rather Nonsense, of our modern Degenerates, and indeed in the sense too commonly practis'd. No barbarous Conquest; no extorted Consent of miserable People, submitting to the Chain to escape the Sword; no repeated and hereditary Acts of Cruelty, tho' called Successions, no Continuation of Violence, tho' named Prescription, can alter, much less abrogate these fundamental Principles of Government itself, or make the Means of Preservation the Means of Destruction, and render the Condition of Mankind infinitely more miserable than that of the Beasts of the Field, by the sole Privilege of that Reason which distinguishes them from the brute Creation.

There can give no Title but to Revenge, and in the last of

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Force again: Nor could it ever enter into the Heart of any Man, to give to another Power over him, for any other End but to be exercis'd for his own Advantages: And if there are any Men mad or foolish enough to pretend to do otherwise, they ought to be treated as Idiots and Lunatics, and the reason of their Conduct must be deriv'd from their Folly and Phrenzy.

All Men are born free: Liberty is a Gift which they receive from God himself; nor can they alienate the same by Consent, though possibly they may forfeit it by Crimes. No Man has Power over his own Life, or to dispose of his own Religion, and cannot consequently transfer the Power of either to any Body else: much less can he give away the Lives, Liberties, Religion or acquired Property of his Posterity, who will be born as free as he himself was born, and can never be bound by his wicked and ridiculous Bargain.

The Right of the Magistrate arises only from the Right of private Men to defend themselves, to repel Injuries, and to punish those who commit the same. That Right being conveyed by the Society to their publick Representative, he can execute the same no further than the Benefit and Security of that Society requires he should. When he exceeds his Commission, his Acts are as exorbitant as are those of any private Officer usurping an unlawful Authority; that is, they are void; and every Man is answerable for the Wrongs he does. A Power to do Good, can never become a Warrant for doing Evil.

But here arises a grand Question, which has perplexed and puzzled the greatest part of Mankind; and yet, I think, the Answer to it is easy and obvious. The Question is, who shall be Judge whether the Magistrate acts justly, and pursues his Trust? To this it is justly said, that if those who complain of him are to judge him, then there is a settled Authority above the chief Magistrate, which Authority must be itself the chief Magistrate; which is contrary to the Supposition; and the same Question and Difficulty will recur again upon this new Magistracy. All this I own to be absurd; and I aver it to be at least as absurd to affirm, that the Person accus'd is to be the decisive Judge of his own Actions, when it is certain he will always judge and determine in his own Favour; and thus the whole Race of Mankind will be left helpless under the heaviest Injustice, Oppression and Misery that can afflict human Nature.

But if neither Magistrates, nor they who complain of Magistrates, and are aggress'd by them, have a Right to determine decisively, the one for the other; and if there is no common establish'd Power, to which both are subject: Then every Man interest'd in the Success of the Contest, must act according to the Light and Dictates of his own Conscience, and inasmuch as he can. Where no Judge is or can be appointed, every Man must be his own: That is, when there is no stand Judge upon Earth, we must have recourse to Heaven, and obey the Will of Heaven, by declaring our selves on that which we think the juster Side.

If the Senate and People of Rome had differ'd irreconcilably, there could have been no common Judge in the World between them; and consequently no Remedy but the last: for that Government consisting in the Union of the Nobles and the People, when they differ'd, no Man could determine between them; and therefore every Man must have been at Liberty to provide for his own Security, and the general Good, in the best manner he was able. In that Case the common Judge ceasing, every one was his own: The Government becoming incapable of acting, suffer'd a Political Demise. The Constitution was dissolved, and there being no Government in Being,

ing, the People were in the State of Nature again.

The same must be true, where two absolute Princes, governing a Country, come to Quarrel, as sometimes two *Cæsars* in Partnership did, especially towards the latter end of the Roman Empire; or where a Sovereign Council governs a Country, and their Votes come equally to be divided. In such a Circumstance, every Man must take that side which he thinks most for the Publick Good, or otherwise proper Measures for his own Security. For, if I owe my Allegiance to two Princes agreeing, or to the Majority of a Council, when between these Princes there is no longer any Union, nor in that Council any Majority, no Submission can be due to that which is not; and the Laws of Nature and Self-preservation must take Place, where there are no others.

The Case is still the same, when there is any Dispute about the Titles of absolute Princes, who govern independently on the States of a Country, and call none. Here too every Man must judge for himself, what Party he will take, and to which of the Titles he will adhere; and the like private Judgment must guide him; whenever a Question arises, whether the said Prince is an Idiot or Lunatick, and consequently whether he is capable or incapable of Government. Where there are no States, there can be no other way of judging; but by the Judgment of private Men, the Capacity of the Prince must be judg'd, and his Fate determin'd. Lunacy and Idiotism are I think allowed by all to be certain Disqualifications for Government; and indeed they are as much so, as if he were Deaf, Blind and Dumb, or even Dead. He who can neither execute an Office, nor appoint a Deputy, is not fit for One.

Now I would fain know, why private Men may not as well use their Judgment in an Instance that concerns them more; I mean that of a Tyrannical Government, of which they hourly feel the fatal Effects, and sorrowful Proofs; whereas they have not by far the equal Means of coming to a Certainty about the natural Incapacity of their Governour. The Persons of great Princes are known but to few of their Subjects, and their Parts to much fewer; and several Princes have by the Management of their Wives, or Ministers, or Murderers, reign'd a good while after they were Dead. In Truth, I think 'tis as much the Business and Right of the People to judge, whether their Prince be Good or Bad, whether a Father or an Enemy, as to judge whether he be Dead or Alive; unless it be said (as many such wise Things have been said) that they may judge whether he can govern them, but not whether he does; and that it behoves them to put the Administration in wiser Hands, if he is a harmless Fool, but it is impious to do so, if he is only a destructive Tyrant; that want of Speech is a Disqualification, but want of Humanity none.

That Subjects were not to judge of their Governours, or rather for themselves in the Business of Government, which of all human Things concerns them most, was an Absurdity that never enter'd into the Imagination of the wise and honest Ancients; who, following for their Guide that everlasting Reason, which is the best and only Guide in human Affairs, carried Liberty and human Happiness, the legitimate Offspring and Work of Liberty, to the highest pitch that they were capable of arriving at. But the above Absurdity, with many others as monstrous and mischievous, were refer'd for the Discreetness of a few wretched and dreaming *Mahometans* and *Christian Monks*, who ignorant of all Things, were made, or made themselves the Directors of all Things; and bewitching the World with holy Lies, and unaccountable Ravings, dress'd up in barbarous Words and uncouth Phrases, beat all their Fairy-Force against common Sense and common Liberty and Truth, and founded a Pernicious, Absurd, and Visionary Empire upon their Ruins. Systems without Sense, Propositions without Truth, Religion without Reason, a Rampant Church without Charity, Severity without Justice, and Government without Liberty or Mercy, were all the blessed Handy-works of these religious Madmen, and godless Pedants; who, by pretending to know the other World, cheated and confounded this. Their Enmity to common Sense, and want of it, were their Warrants for governing the Sense of all Mankind: By Lying, they were thought the Champions of Truth; and by their Fooleries, Impieties and Cruelty, were esteem'd the Favourites and Confidants of the God of Wisdom, Mercy and Peace.

These were the Men, who having demolish'd all Sense and human Judgment, first made it a Principle, that People were not to judge of their Governours and Government, nor to meddle with it, nor to preserve themselves from publick Destroyers, falsely calling themselves Governours. And yet these Men, who thus set up for the Supporters and Defenders of Government, without the common Humanity of distinguishing the Good from the Bad, and Freedom from Murder and Deprivation, were at the same time themselves the confounders and destroyers of every Government, which they could not dread and command; and every Government, however excellent, which

did not make their Reversion in only Rules, and themselves alone its peculiar Care, has been honour'd with their profest'd Hatred; whilst Tyrants and publick Butchers, who flatter'd them, have been deified. This was the poor State of Christendom, before the Reformation; and I with I could say, of no parts of it since.

This barbarous Antreby in Reasoning and Politicks, has made it necessary to prove Propositions which the Light of Nature had demonstrated. And, as the Apostles were order'd to prove to the mistified Gentiles that they were no Gods which were made with Hands; I am put to prove, that the People have a Right to judge, whether their Governours were made for them, or they for their Governours? Whether their Governours have necessary and natural Qualifications? Whether they have any Governours, or no? And whether, when they have none, every Man must not be his own? I therefore return to Instances and Illustrations from Facts, which cannot be denied, tho' Propositions as true as Facts may, by those especially who are defective in Point of Modesty or Discernment.

In *Poland*, according to the Constitution of that Country, it is necessary, we are told, that in their Diets, the Consensus of every Man present must be had to make a Resolve effectual: And therefore, to prevent the Cutting of the People's Throats, they have no Remedy but to cut the Throats of one another; that is, they must pull out their Sabres, and force the refractory Members (who are always the Minority) to submit. And amongst us in *England*, where a Jury cannot agree, there can be no Verdict, and so they must fast till they do, or till one of them is dead, and then the Jury is dissolved.

This, from the Nature of Things themselves, must be the constant Case in all Disputes between Dominion and Property. Where the Interest of the Governours and that of the Governed clash, there can be no stated Judge between them: To appeal to a foreign Power, is to give up the Sovereignty; and for either Side to submit, is to give up the Question. And therefore, if they themselves do not amicably determine the Dispute between themselves, Heaven alone must. In such Case, Recourse must be had to the first Principles of Government itself; which being a Departure from the State of Nature, and a Union of many Families forming themselves into a political Machine for mutual Protection and Defence, it is evident, that this form'd Relation can continue no longer than this Machine subsists and can act; and when it does not, the Individuals must return to their former State again. No Constitution can provide against what will happen, when that Constitution is dissolved. Government is only an Appointment of one or more Persons, to do certain Actions for the Good and Emolument of the Society; and if the Persons thus intrusted, will not act at all, or act contrary to their Trust, their Power must return of Course to those who gave it.

Suppose, for Example, the Grand Monarch had bought any neighbouring Kingdom and all the Lands in it, from the Courtiers, and the Majority of the People's Deputies; and amongst the rest, the Church-Lands into the Bargain, with the Consent of their Convocation or Synod, or by what other Name that Assembly was call'd: Would the People and Clergy have thought themselves oblig'd to have made good this Bargain, if they could have help'd it? I dare say neither would; but, on the contrary, that the People would have had the Countenance of these reverend Patriots to have told their Representatives in round Terms, that they were chosen to act for the Interest of those that sent them, and not for their own; that their Power was given them to protect and defend their Country, and not to sell and enslave it.

This Supposition, as wild as it seems, yet is not absolutely and universally impossible. King *John* actually sold the Kingdom of *England* to his Holiness: And there are People in all Nations ready to sell their Country at home; and such can never have any Principles to wish hold them from selling it abroad.

It is foolish to say, that this Doctrine can be mischievous to Society, at least in any Proportion to the wild Ruin and fatal Calamities which must befall, and do befall the World, where the contrary Doctrine is maintain'd: For, all Bodies of Men subsisting upon their substance, or upon the Profit of their Trade and Industry, find their Account so much in Ease and Peace, and have justly such terrible Apprehensions of civil Disorders, which destroy every Thing they enjoy; that they always bear a thousand Injuries before they remain one, and stand under their Burthen as long as they can bear them; as I have in another Letter observed.

What with the Force of Education, and the Reverence which People are taught, and have been always us'd to pay to Princes; what with the perpetual Hissings of Flatterers, the gaudy Pageantry and Outside of Power, and its gilded Ensigns, always glittering in their Eyes; what with the Execution of the Laws in the bold Power of the Prince; what with all the regular Magistrates, pompous Guards and standing Troops, with the fortified Towers, the Artillery, and all

the Magazines of War, at his Disposal; besides large Revenues, and Multitudes of Followers and Dependents, to support and abet all he does: Obedience to Authority is so well secur'd, that it is wild to imagine that any Number of Men, formidable enough to disturb a settled State, can unite together and hope to overturn it, till the publick Grievances are so enormous, the Oppression so great, and the Dissatisfaction so universal, that there can be no Question remaining, whether their Calamities are real or imaginary, and whether the Magistrate has protected or endeavour'd to destroy his People.

This was the Case of Richard the Second, Edward the Second, and James the Second, and will ever be the Case under the same Circumstances: No Society of Men will groan under Oppressions longer than they know how to throw them off; whatever unnatural Whimsies and fairy Notions, idle and sedentary Babbles may arise from Colleges and Cloisters; and reach to others for vile Self-ends, Doctrines, which they themselves are famous for not practising.

Upon this Principle of People's judging for themselves, and resisting lawless Force, stands our late happy Revolution, and with it the just and rightful Title of our most excellent Sovereign King George, to the Scepter of these Realms; a Scepter which he has, and I doubt not will ever sway, to his own Honour, and the Honour, Protection and Prosperity of us his People.

I am, SIR,

Your humble Servant,

CATO.

FOREIGN AFFAIRS.

THE Pestilence, if we may credit the French Accounts of the Matter, is very much abated, and they begin to entertain great Hopes of a general Declension of the Distemper; but 'tis feared they flatter themselves too much, as they have already done more than once in this very Case; as may appear by what is infer'd relating to them among our Home-News.—The Tranquillity in the North continues; and we have not any Thing from thence this Time worth troubling our Readers with.—The Spaniards are very quiet also, but seem not to be forgetting that there may come a Time when the Tranquillity they at present enjoy, may be broke in upon.

LONDON.

ON Wednesday the 20th Instant, a General (Quarterly) Court, of the Bank was held. After reading the Minutes of the last Court, Sir Thomas Seawen made a short Speech; the Substance of which was, that he had little more to say than to acquaint them, *That Matters went on very well*, and desired to know, if any of the Members had any thing more to offer: But no Motion being made, they broke up.

His Majesty has been pleas'd to order a considerable Sum of Money to be distributed to the Poor this Christmas: And as this is a Season for the Charitably disposed to dispense their Aims, several good Christians have follow'd the Royal Example.

The Smugglers have suffer'd very much of late, and still continue to do so, not only in the Town but elsewhere; for several Seizures have been made, and one of a very great Quantity of Tea (near Two Thousand Weight) which was hid in a Cellar in the Strand; so that it is believ'd, some of those who went to the Market at Ostend to purchase that Commodity, will find but a poor Account in it.

One George Nicholas is committed to Newgate, being charg'd with forging and altering a Bank Note.

The 21st Instant, the Companies of his Majesty's Ships Dover and Sheerness, were paid their Wages at Deptford; as the Day after was the former Ship's short Allowance Money in the same Place. And on Saturday last, the Coopers, Millers, Bakers, Leathers, &c. belonging to the Victualling Office, were paid what was due to them for Midsummer and Michaelmas Quarters, at the Pay-Office in Broadstreet.

The Affairs of the Palatinate have still a gloomy Aspect, for the Protestants there seem yet to despair of Relief. By our Letters from Heidelberg we have advice, that a reform'd Protestant is threatened with a rigorous Prosecution, for saying, that he thought it as great a sin to adore a Water, or piece of Dough, as to worship a Toad, Rat, or any other Creature; which Expression the Romish Priests interpret as downright Blasphemy. And a Libellan of Note is no less accus'd upon an Accusation brought against him by an Amster, who coming to his House, and offering to sell him several Croquet, Images, and other valuable Trinkets, the Gentleman told him, that if ever he should have Occasion for such pretended Toys, he could make them himself.

We hear from Oxford, that the Earl of Arrian (Chancellor of that University) hath made Mr. Henry Watkins (a Student in Christ-Church College) his Secretary, in the Room of Mr. William King, who hath resign'd that Office. One Colbatch, who has been a Prisoner in the Castle there, is brought up from thence and committed to Newgate, in order to his being try'd for several Robberies on the Highway in the County of Middlesex, which he is charg'd with.

On Friday the 22d Instant, a General Court of the East-India Company was held. They began (according to Custom) with reading the Minutes of the last General Court; which being done, the Chair-Man acquainted the several Members, that pursuant to the Order of the last Court, their Directors had considered the Papers relating to Mr. Collet (their late Governor of Fort St. George); that they had had Council thereupon.

After this the Secretary began to read some Papers to inform the Court what Progress had been taken in that Affair: But at the reading of the whole Transaction would take up much Time, it was propos'd by some, that only the Questions and Council's Answer should be read, and the rest defer'd till another Time. In regard the Complaint against Mr. Collet was likely to furnish Business enough for one Court, it was mov'd, that the Directors should summon another General Court before their next Quarterly Court, which the Directors assur'd them should be done.

The Question was then put for adjourning the Debate, and Nemine Contradictum carried. So they broke up.

The House of Lords is adjourn'd to the 12th, and Commons to the 26th of next Month, as is the Board of Treasury till after the Holy Days: And Mr. Walpole is gon'd down to Lyn, who, it is said, will be very soon Lord Walsingham.

There is two Quarter's Pay allow'd for the Carpenters, &c. in His Majesty's Yards of Deptford, Woolwich, Sheerness, Chatham, Portsmouth and Plymouth; and we hear, they are now upon paying the same.

The Duke of Newcastle and Bishop of Durham are admitted Governours of the Charter-House, in the Room of the Bishop of Winchester and Sir Narhan Wright, deceased.

In our Letters from Paris we have an Account, that several Merchants of that City and of Rouen have form'd a Company for re-establishing the Commerce of the Town of Marseilles to the Levant; and, 'tis said, they have already remitted considerable Sums to that Place for that purpose.

In the Coach that was robb'd last Week going to Hounslow, was a Person who had come to Town on purpose to receive the Sum of Three Hundred Pounds by Appointment; but he could not then receive it; and it is believ'd the Rogues who stopp'd the Coach were apprized of the former, by reason they made a Demand for that very Sum from this very Person.

On Saturday the 23d Instant, there was a General Court of the London Assurance Company; which was open'd with reading some By-Laws, that had been prepar'd by a Committee appointed for that Purpose, which this Court confirm'd. By those Laws the Governours are allow'd Two Hundred Pounds, and each Director One Hundred and Fifty Pounds per Annum. After this a Motion was made, for adding one more to keep up the Number of 24 Directors; to which it was answer'd, that an Order or Resolution would be sufficient, if it was thought advisable to preserve constantly that Number. A Question was then put for calling a general Court, 24 Days after there was a Vacancy of 3 Directors, but it was reject-ed.

A Debate then began about the Receipts of the Fire Charter, upon which there had been two Calls of one per Cent. each, upon the 1st whereof Eighteen Thousand Pounds were paid, and on the 2d but Three Thousand Seven Hundred Pounds. The Deputy Governour then acquainted the Court, that their Directors had not yet prepar'd any thing to be laid before them, in relation thereto; but that against the next general Court they would be ready to do so. Various Proposals were made in order to some Determination thereupon: Some were for making all the Money paid in, Transferrable Stock, after the Rate of 10 per Cent. Others were for granting Stock to those only, who had paid in on both Calls, or should do so in an appointed time; those on the other side argued against this, thinking it unreasonable to make any Difference, where but few Persons were concern'd.

The Proposal was for allowing one pound Stock, for every ten Pound paid in the first Call, and such who had paid in on the 2d, to be allow'd that Money on any future Call.

In fine it was agreed, that all the Money paid in on both Calls, should immediately be made Transferrable Stock at the Rate of 20 l. per Cent. The Receipts to be brought in by the 1st of next Month. And so they adjourn'd.

As the Building a Bridge over the Thames from Westminster to Lambeth, will be a Diservice to the City, we hear they will Petition against it, in Case a Bill is brought into the House of Commons for that Purpose.

Just as the 4 Malefactors were going for Execution on Friday last, a Reprieve came for Arthur Gray the Footman. He was immediately let blood, the other to prevent any ill Effect from that Tumultuous Joy which he must be fill'd with on that Account. The other 3 proceeded to Tyburn, and were executed, one of which went in his Shroud, and would not be prevail'd with to put on any other Dress.

